



DATE: July 31, 2012

APPROVED  
BY:

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**MINUTES OF THE PUBLIC HEARING  
ON THE LAKE COUNTY SUBDIVISION REGULATIONS CHANGES  
June 26, 2012**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Hausch opened the public hearing at 5:02 p.m.

**ROLL CALL**

The following members were present: Messrs. Bodnar (alt. for Adams), Brotzman, Morse, Pegoraro (alt. for Troy), Schaedlich, Sines (alt. for Sines), Welch (alt. for Aufuldish), Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Truesdell.

**PUBLIC HEARING**

Chair Hausch said, "As Chair of the Lake County Planning Commission, I declare the Continuation of the May 29, 2012 Public Hearing of the Lake County Subdivision Regulations amendments open at 5:00 p.m.

Mr. Boyd explained that this was a continuation of the Public Hearing from last month's meeting. Staff decided to extend more time to the township trustees to review the changes. Concord Township corresponded with staff about some details of the regulations. The township trustees were notified of this Public Hearing by letter dated May 25, 2012 and a public announcement was posted in the News Herald on April 28, 2012 and May 19, 2012. The proposed changes to the Subdivision Regulations have been available for public review for over thirty (30) days. The public notice was read May 29, 2012.

Mr. Boyd said the amendments pertain to revisions, deletions or additions to these Articles:

**Article I Section 4(B); Article II, Article III Section 3(G)(1); Article III Section 3(I); Article III Section 4(G); Article III Section 6(G); Article III Section 7(2); Article IV Section 3(B)(9); Article V Section 10(A)(2); Article V Section 10(A)(B); Article V Section 10(F); Article V Section 10(G).**

Ms. Hausch asked for comments from the Planning Commission members in attendance. There were no comments.

Ms. Hausch stated that there were no attendees from the public present for the hearing.

Mr. Radachy said that, for the record, staff did not receive any comments.

Ms. Hausch said "There being no further comments, I would welcome a motion and second to officially close this Public Hearing."

Mr. Schaedlich moved and Mr. Smith seconded the motion to close the Public Hearing.

All voted "Aye."

The Chair stated that the Public Hearing was adjourned at 5:04 p.m.

### **MINUTES OF THE LAKE COUNTY PLANNING COMMISSION June 26, 2012**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Hausch called the regular meeting to order at 5:04 p.m.

#### **ROLL CALL**

The following members were present: Messrs. Bodnar (alt. for Adams), Brotzman, Morse, Pegoraro (alt. for Troy), Schaedlich, Smith (alt. for Sines), Welch (alt. for Aufuldish), Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Truesdell. Ms. Pesec arrived at 5:20 p.m.

#### **MINUTES**

##### **Public Hearing May 29, 2012**

Mr. Pegoraro moved and Mr. Zondag seconded the motion to approve the minutes of the Public Hearing of May 29, 2012.

All voted "Aye".

##### **May 29, 2012 Meeting**

Mr. Pegoraro moved and Mr. Smith seconded the motion to approve the minutes of the May 29, 2012 Planning Commission meeting.

All voted "Aye".

#### **FINANCIAL REPORT**

Mr. Morse moved and Mr. Schaedlich seconded the motion to approve the May, 2012 Financial Report.

All voted "Aye".

#### PUBLIC COMMENT

There was no public comment.

#### LEGAL REPORT

Mr. Joshua Horacek, Assistant Prosecuting Attorney, said he had a report on Kimball Estates Subdivision in Madison Township. George Hadden of the County Engineer's Office had a meeting with Chuck Hamilton, the developer, and they worked out a plan to correct the outstanding drainage issues that will be implemented this summer. The Prosecutor's Office will be sending a letter to the developer indicating that they have until August 31<sup>st</sup> to fully resolve these issues at which point, if they have not fully resolved these issues, legal action will be taken in some form. That letter is in the process of being drafted and sent out this week.

Mr. Zondag asked if that was a supervised process and Mr. Horacek said the Engineer's office has worked out an agreement on what will be done.

Mr. Radachy said the work is not in the public right-of-way but the issue from last time was that it was not inspected.

Mr. Horacek said the Engineers have to sign off that the work was satisfactory.

Mr. Pegoraro asked if the developer was going to be required to post a bond for the cost of the work.

Mr. Radachy said they were unsure if they would be working under a construction surety.

Mr. Horacek said he would further discuss the issue in the Executive Session at the end of the meeting.

#### DIRECTOR'S REPORT

Mr. Boyd said the five-year Consolidated Plan for the Community Development Block Grant Program is due August 15<sup>th</sup> along with working with the County Commissioners on potential projects they would like to fund next year. He gave Mr. Radachy and staff kudos for the great job they did at the Planning and Zoning Workshop held on June 22<sup>nd</sup> at LaMalfa. He received a lot of good feed-back on the topics because they were addressing the semi-rural atmosphere with the township – village twist. He thanked staff for their efforts, especially Mr. Radachy. Mr. Radachy can now set his sights on responding to Fairport Harbor's request to do their master plan. Other townships have requested a timeline to update their master plans.

Ms. Hausch complimented the Committee on the successful Planning & Zoning Workshop.

#### ANNOUNCEMENT

There were no announcements.

## SUBDIVISION REVIEW

### Subdivision Activity Report

Mr. Radachy said Crossroads of Summerwood in Concord Township has changed ownership. It is located off Route 608 south of Girdled Road. The preliminary plan was extended another three years last year so the future owner will have the right to use the preliminary plan. If any changes are made, a new preliminary plan will have to be filed.

## LAND USE AND ZONING REVIEW

### Concord Township – Proposed Text Amendments to Zoning Permit Sections 11.04C and 11.10

Mr. Radachy said that Concord Township wanted to add language regarding the expiration of zoning permits for phased developments in Section 11.04C and clarify the allowances for temporary removable structures in Section 11.10.

Staff was concerned that “development”, “development done in stages”, and “temporary removable structures” were not defined in Section 2, Definitions. They suggested that the Township define development as “a large group of buildings constructed as a unified project”. The projects may be single-family or multi-family dwellings, retail centers or office complexes. These developments may have a similar design that unifies them. They also suggested that development done in stages be called “Multi-phase Development” and defined as “a development that is constructed in increments, each increment being capable of existing independently of the others”.

Staff noted that the revision to Section 11.10 uses temporary structures instead of temporary removable structures, which is used in the beginning part of the paragraph. Staff also noted that the revision to Section 11.10 used the term “property”. It was noted that property is not defined in Section 2, Definitions, but site is defined.

Staff also stated that these are the only choices for applicants, to do the project as a single phase or complete the project as a multi-phase. There is no indication of what the applicant needs to do if he wants to convert a single-phase project into a multi-phased project.

The Land Use and Zoning Committee recommended the development done in stages to be changed in 11.04 C to multi-phased development:

The completion date of each phase of a ~~development done in stages~~ **multi-phased development** shall be stated on the application for a zoning permit when the application is made. The completion date shall be the expiration date of the zoning permit for said stage or phase. No completion date for all phases of **multi-phased** development shall be more than five (5) years from the date of which the original zoning permit was issued.

#### **11.04 D**

***If the project is started as a single-phased project and the applicant wishes to convert to multi-phased development, they will be required to apply for a new zoning permit and adhere to the requirements in Section 11.04 C.***

#### **11.10**

A zoning permit shall not be required for a temporary removable structure as part of a construction project, nor for the construction of roads, sewers, service lines, pipe lines, or driveways. For the purpose of this provision, such temporary **removable** structures shall be located on the same lot or ~~property~~ **site** that is under construction **or adjacent to the site**

***and under the same ownership*** or shall be contiguous to a road, sewer or other utility under construction.

Add definitions of multi-phased development, development and temporary removable structures to Section 2.

Ms. Pesec arrived at 5:20 p.m.

Mr. Pegoraro asked what affect 11.04(C)) would have on a development such as Quail Hollow which is in its 27<sup>th</sup> year of development.

Mr. Radachy said that would be a little different because that is a subdivision for each phase and each house or condominium would get its own permit. This would have more of an affect on a Grist Mill-type development. The zoning permit would capture the event that a developer would want to delay the second building because of economic influences.

Mr. Pegoraro said the zoning permit should be tied into acreage or size instead of the five (5) years from the date of which the original zoning permit was issued.

Mr. Radachy said there is an expiration date on the permit but there is no limit on the number of permits per property.

Mr. Schaedlich moved to accept the recommendation of the Land Use and Zoning Committee and recommend the proposed text amendments to Zoning Permit Sections 11.04 C and 11.10 in Concord Township be made. Mr. Zondag seconded the motion.

All voted "Aye".

#### Land Use and Zoning Committee Members

Mr. Radachy said Jeff Kenyon of Leroy Township said he wishes to continue on the Land Use and Zoning Committee and Evelyn Ross is undecided.

#### REPORTS OF SPECIAL COMMITTEES

##### Lake County Coastal Plan Committee

Mr. Boyd said the Coastal Plan Committee has been in existence for ten years. They have worked with local officials and our Congressman to make it regional and it has worked. There have been some difficulties with the regulatory agencies as to what they are going to mandate as requirements if the project is not successful from their prospective. They are saying that the communities should have funds available to just tear it out, but, these communities do not have the funds. Local officials are saying that the Coastal Plan cannot continue unless they can get some consistency from the Corps on what will be required from them. For example, Madison Township Park has a great beachfront enhancement, but the Township is continually having to move sand from west to east to keep the littoral movement of the sand. Public officials cannot make future investments based on that. So the coastal communities and the Port Authority have asked Mr. Boyd to draft support letters to reconfirm their commitment to stand by the Coastal Committee and Coastal Plan. We intend to ask our Congressman and state Senators to request a meeting with the regulatory agencies. Not only are there public access issues but economic development and recreation are receiving inconsistent support. Some communities want to do coastal enhancement projects while there are funds to do that, but they will not do them because of inconsistent policies.

## CORRESPONDENCE

There was no correspondence.

## OLD BUSINESS

### Subdivision Regulation Amendments

Mr. Boyd said that staff has worked diligently on the Lake County Subdivision Regulation amendments. We have had a public hearing and there has been minimal response.

Mr. Radachy said that there have been no suggested changes to the proposed amendments. He asked that the Board make a motion to accept the changes. Then they will be forwarded to the Commissioners who will also have a public hearing. Mr. Boyd asked if there were any changes to the regulations.

No one suggested any changes.

Mr. Pegoraro moved and Mr. Schaedlich seconded the motion to approve changes to the following Articles of the Lake County Subdivision Regulations and forward them to the Board of Commissioners for Public Hearing:

Article I Section 4(B); Article II; Article III Section 3(G)(1); Article III Section 3(I); Article III Section 4(G); Article III Section 6(G); Article III Section 7(2); Article IV Section 3(B)(9); Article V Section 10(A)(2); Article V Section 10(A)(B); Article V Section 10(F); Article V Section 10(G).

All voted "Aye".

Mr. Boyd thanked Mr. Radachy for the time and effort he put into revising the articles to the subdivision regulations.

## NEW BUSINESS

There was no new business.

## PUBLIC COMMENT

There was no comment from the public.

## EXECUTIVE SESSION

Mr. Boyd asked for a motion to go into Executive Session at 5:29 p.m.

Mr. Zondag moved and Mr. Pegoraro seconded the motion to go into Executive Session.

All voted "Aye".

Mr. Zondag moved and Mr. Pegoraro seconded the motion to adjourn the Executive Session at 6:23 p.m.

All voted "Aye".

#### ADJOURNMENT

Mr. Morse moved and Mr. Schaedlich seconded the motion to adjourn the regular meeting.

All voted "Aye".

The meeting adjourned at 6:24 p.m.